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SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				SONG, DAEHO D
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/551,806	STONEHAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DAEHO D. SONG	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 January 2010.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-27 and 29-67 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-27 and 29-67 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>attached</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

***Applicant's Response***

In Applicant's Response dated 01/29/2010, Applicant amended Claims 1, 26, 31, 38, 39, 44, 50 and 56, cancelled Claim 28, and argued against all rejections previously set forth in the Office Action dated 07/31/2009.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-11, 15-24, 26-27, 30-37 and 39-67 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Holtz et al. (hereinafter Holtz): U.S. Patent Application Pub. No. 2002/0175931.

Holtz expressly teaches:

*Claim 1. A broadcast control apparatus for visual data, the apparatus comprising:  
a touch screen display panel operable to receive and display visual data simultaneously*

*in real time from a plurality of visual sources (figs. 2A-B; [0031][0032]: a touch screen for receiving and displaying video production in real time from a plurality of video sources); and*

*a touch screen graphical panel for the retrieval of control functions from a control function register; whereby visual data from at least one of the received and simultaneously displayed visual sources is selectable for use by finger pressure on the associated portion of the touch screen display panel and the selected data is modifiable in accordance with a retrieved control function (figs. 2A-B; [0033][0040][0094]-[0102]: a touch screen for retrieving control functions by means of user's selection on function icons to modify the content of video production).*

*Claim 2. The broadcast control apparatus according to claim 1, where the control function is a digital video effect or an audio effect (figs. 4 & 9).*

*Claim 3. The broadcast control apparatus according to claim 1, where the retrieved 15 control function is able to be effected by finger pressure on an associated portion of the touch screen display panel (figs. 2A-B; [0031]).*

*Claim 4. The broadcast control apparatus according to claim 1, further comprising a programmable panel having a plurality of programmable keys, each one of which is able to be programmed to retrieve a control function (figs. 2A-B; [0033]).*

*Claim 5. The broadcast control apparatus according to claim 4, Where the programmable panel is positioned proximate the touch screen display panel (fig. 1).*

*Claim 6. The broadcast control apparatus according to claim 4, where the programmable panel is incorporated into the touch screen display panel (fig. 1).*

*Claim 7. The broadcast control apparatus according to claim 4, further comprising a control panel to enable switching between visual sources (fig. 1; [0036]).*

*Claim 8. The broadcast control apparatus according to claim 7, where the programmable panel is incorporated into the control panel (fig. 1; [0037]-[0040] [0090]-[0093]).*

*Claim 9. The broadcast control apparatus according to claim 1, where the control panel is a customized vision switching panel (figs. 26 & 27; [0168]-[0171]).*

*Claim 10. The broadcast control apparatus according to claim 1, where the selected data is modifiable by finger pressure on a portion of the touch screen graphical panel that is associated with the control function (figs. 2A-B).*

*Claim 11. The broadcast control apparatus according to claim 1, where control functions are executable in real time ([0033][0040]).*

*Claim 15. The broadcast control apparatus according to claim 4, further comprising a display module programmable to store a plurality of screen layout configurations (figs. 5 & 5A; [0124]-[0131]).*

*Claim 16. The broadcast control apparatus according to claim 15, where the configuration of all the visual data from respective visual sources on the touch screen display panel is resizable depending on the number of visual sources operating at any one time (figs. 2A & 26).*

*Claim 17. The broadcast control apparatus according to claim 15, where a plurality of screen configurations are programmable into one or more of the programmable keys (figs. 2A & 26).*

*Claim 18. The broadcast control apparatus according to claim 16, where each area of the screen configuration associated with a visual source is further configurable with a personalized symbol or descriptor identifier to identify the source ([0043]).*

*Claim 19. The broadcast control apparatus according to claim 1, where a transition between visual data from a first visual source and visual data from a second visual source is effected by applying finger pressure on the associated portion of the touch screen display panel that represents the first source and dragging that source to a different portion of the touch screen display panel associated with the second source (fig. 11; [0180]-[0185]).*

*Claim 20. The broadcast control apparatus according to claim 1, further comprising a second touch screen display panel operable to receive and display further visual data or to view selected visual data for output (figs. 1 & 2B; [0094]).*

*Claim 21. The broadcast control apparatus according to claim 1, where visual sources comprise one or more of video cameras, videotape recorders, disk servers, computer generated sources, remote feeds, or the like (fig. 1; [0098]).*

*Claim 22. The broadcast control apparatus according to claim 4, where the apparatus is operational in a set up mode and an operational mode (fig. 2A).*

*Claim 23. The broadcast control apparatus according to claim 22, where pre-programming of digital video effects occurs in the set up mode (fig. 9).*

*Claim 24. The broadcast control apparatus according to claim 19, where in the*

*operation mode selection of sources and transitions between sources are performed (figs. 9A-C).*

*Claim 26. A broadcast control apparatus for the recording and replay of visual data, the apparatus comprising:*

*a touch screen display panel operable to simultaneously playback more than one stream of visual data from a storage unit, the visual data sourced from a plurality of visual sources (fig. 5; [0124]-[0131]: a touch screen to re-play video sources by means of RPD Controls system);*

*a touch screen graphical panel for the retrieval of control functions from a control function register (fig. 5; [0124]-[0131]: a touch screen with GUI retrieving control functions); and*

*a control panel in communication with the touch screen panels, the control panel including a plurality of programmable keys, each one of which is able to be programmed to retrieve a control function; whereby playback of visual data from the storage unit is able to be modified in accordance with a retrieved control function, and respective streams of visual data from the storage unit are configurable on the touch screen display panel and are resizable depending on the number of streams of visual data displayed (figs. 5, 5A, 17; [0124]-[0131]: the control panel with a plurality of programmable keys to modify the video data according to the control functions, and reconfiguring the duration of each selected video clip).*

*Claim 27. The apparatus according to claim 26, where the retrieved control function is able to be effected by finger pressure on an associated portion of the touch screen display panel that is associated with the control function (figs. 2A-B; [0031]).*

*Claim 29. The apparatus according to claim 28, where at least one key is programmable with a plurality of different screen configurations (figs. 2A & 26).*

*Claim 30. The apparatus according claim 26, where at least one key is programmable to create a clip from a stream of replayed visual data ([0229]).*

*Claim 31. The apparatus according to claim 30, where at least one key is programmable to text tag the clip of visual data (fig. 7; [0140]-[0143]).*

*Claim 32. The apparatus according to claim 26, where the touch screen graphical panel is operable to build playlists and sequences ([0038][0042]).*

*Claim 33. The apparatus according to claim 32, where a sequence is built by effecting a transition between visual data from a first visual source and visual data from a second visual source, whereby finger pressure is applied on that associated portion of the touch screen display panel that represents the first source and dragging that source to a*

*different portion of the touch screen display panel associated with the second source (fig. 11; [0180]-[0185]).*

*Claim 34. The apparatus according to claim 33, where the transition includes activating a key programmed with a text tag and associating the text tag with the data from the second source (figs. 7 & 7A).*

*Claim 35. The apparatus according to claim 26, where at least one key is programmable for rewinding all of the visual source data simultaneously (fig. 5).*

*Claim 36. The apparatus according to claim 26, where the control panel further includes one or more of a speed control section for at least controlling the rate of play of a stream of visual data, a time code section for displaying the duration, of a stream of visual data, a cueing section for the marking of, and searching for cues and for the navigation within the storage unit, and a slow-motion section (fig. 5 & 5A; [124]-[0131]).*

*Claim 37. The apparatus according to claim 26, further comprising a second touch screen display panel to view visual data for output (fig. 2B).*

*Claim 39:*

The subject matter recited in Claim 39 corresponds to the subject matter recited in Claims 1 and 26, cooperatively. Thus Holtz discloses every limitation of Claim 39, as indicated in the above rejections for Claims 1 and 26.

*Claims 40-52:*

The subject matter recited in Claims 40-52 corresponds to the subject matter recited in Claims 4-7, 11, 16, 10, 15-20, respectively. Thus Holtz discloses every limitation of Claims 40-52, as indicated in the above rejections for Claims 4-7, 10-11, 15-16 and 17-20.

*Claim 53. The system according to claim 39, further comprising an audio mixing panel to combine an audio source with selected modified data edited with output from the second apparatus for transmission (figs. 4 & 4A-C).*

*Claim 54. The system according to claim 39, where the second apparatus is further operable to edit its output with selected modified data from the first apparatus to create a sequence for transmission (figs. 2A & 10-11; [0038]-[0040] [0173]-[0185]).*

*Claim 55. The system according to claim 54, where the sequence is made available to the operator of the first apparatus (figs. 10-19).*

*Claims 56-65:*

The subject matter recited in Claims 56-65 corresponds to the subject matter recited in Claims 1, 26, 32, 17, 23-24, 18, 15-16 and 19, respectively. Thus Holtz discloses every limitation of Claims 56-65, as indicated in the above rejections for Claims 1, 26, 32, 17, 23-24, 18, 15-16 and 19.

*Claim 66. The method according to claim 56, whereby the first operator and second operator access the same control function register (fig. 1).*

*Claim 67. The method according to claim 56, whereby created sequences are transmitted live or stored for broadcast at a later date ([0030][0032]).*

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz in view of Share et al. (hereinafter Share): U.S. Patent No. 5,477,024.

As indicated in the above rejection, Holtz discloses every limitation of Claim 4.

Holtz fails to expressly disclose various colors on back-lit for function keys.

Share expressly teaches those various colors on back-lit for function keys, and specific disclosure of particular claims are as following:

Share expressly teaches:

*Claim 12. The broadcast control apparatus according to claim 4, where a programmable key loaded with a control function appears back-lit with a first color indicating to an operator that the key is ready for operation (col. 2 lines 45-67).*

*Claim 13. The broadcast control apparatus according to claim 12, where keys which have yet to be loaded and which are therefore available for programming appear backlit with a second color (col. 2 lines 45-67).*

*Claim 14. The broadcast control apparatus according to claim 12, Where keys which are in operation appear backlit with a third color (col. 2 lines 45-67).*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the disclosure of Holtz to incorporate with various color appearances for back-lit on control panels, as taught by Share, in order to

provide different nighttime color per key or button utilized on control panels (see col. 1 lines 20-58).

3. Claims 25 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz in view of Vye: U.S. Patent No. 4,720,805.

*Claim 25:*

As indicated in the above rejection, Holtz discloses every limitation of claim 1.

Holtz fails to expressly disclose:

*touch screen display panel is mounted on a motorized arm to enable the distance between the or each display panel and an operator to be varied.*

Vye expressly teaches:

*touch screen display panel is mounted on a motorized arm to enable the distance between the or each display panel and an operator to be varied* (col. 4 lines 20-28; col. 5 lines 57-67).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system, disclosed in Holtz, to include:

*touch screen display panel is mounted on a motorized arm to enable the distance between the or each display panel and an operator to be varied*, for the purpose of

permitting of the direct digital input to the computer program emanating from the skilled and artistic movements of his hand with his finger on the digital touch-screen, as taught in Vye (see col. 2 lines 26-55).

*Claim 38:*

The subject matter recited in Claim 38 corresponds to the subject matter recited in Claim 25. Thus Holtz, in view of Vye, discloses every limitation of Claim 38, as indicated in the above rejections for Claim 25.

***Response to Arguments***

4. Applicant's arguments against the rejections based on 35 U.S.C. § 102 & 103 with respect to Claims 1-67 have been considered, but they are not persuasive.

Applicant argues that Holtz fails to disclose:

*a touch screen display panel operable to receive and display visual data simultaneously in real time from a plurality of visual sources.*

The examiner disagrees.

As indicated in the above rejection for Claim 1, Holtz expressly teaches a touch screen panel that enables a user to automatic the execution of a real-time broadcast show by means of controlling the displayed **icons** as **visual interfaces of the**

**video/audio content or data**, which corresponds to **visual data**, wherein the displayed icons are utilized **to receive the video/audio content or data** from a plurality of input video and/or audio sources by means of user's selections of icons or visual data, and **to display the video/audio content** of output video/audio on the screen, such as a time sheet of figs. 10, 11, 14, 16, and 19, or display areas of <262> and <211> from fig. 2B. Examples are shown in fig. 3 and [0101]-[0102] (see also figs. 2A-B & 3; [0099]-[0102] [0031]-[0032] [0094]-[0122] [0201]-[0231]).

Furthermore, receiving and displaying video and/or audio data is performed **simultaneously in real time by means of automating the execution of a real-time show** as shown in fig. 15 (see figs. 15, 16; [0033][0040][0200]-[0225]).

Applicant argues that Holtz fails to disclose:

*a touch screen display panel operable to simultaneously playback more than one stream of visual data.*

The examiner disagrees.

As indicated in the above rejection for Claim 26, Holtz expressly teaches that the touch panel is operated to simultaneously playback more than one video segment or clip by means of **selecting one video clip after another video clip to be replayed by activating the play button.**

For example, the user can replay the video clip of 502(1) from fig. 5, then also can replay the video clip of 502(2) simultaneously by activating each video clip to be replayed.

Applicant argues that Holtz fails to disclose resizing the display of a single stream.

The examiner disagrees.

Holtz expressly teaches that any single video clip can be resized by means of **reconfiguring duration of each selected video clip** as shown in figs. 5A and 17.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAEHO D. SONG whose telephone number is (571)272-7524. The examiner can normally be reached on Mon-Fri 7:30-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 5712724088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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